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SERIAL NO. 10/071,150
PATENT

REMARKS

Claims 1-20 were pending in this application.

Claims 1-4, 6, 8-11, 13, 15-18, and 20 have been rejected.

Claims 5, 7, 12, 14, and 19 have been objected to.

Claim 8 has been amended as shown above.

Claims 1-20 remain pending in this application.

Reconsideration and full allowance of Claims 1-20 are respectfully requested.

I. ALLOWABLE CLAIMS

The Applicant thanks the Examiner for the indication that Claims 5, 7, 12, 14, and 19 would be allowable if rewritten in independent form. Because the Applicant believes that the remaining claims in this application are allowable, the Applicant has not rewritten Claims 5, 7, 12, 14, and 19 in independent form.

II. REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects Claims 1-3, 6, 8-10, 13, and 15-18 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,407,639 to Jean et al. ("*Jean*"). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. (*MPEP* § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed

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invention is found in a single prior art reference. (*MPEP* § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985)).

Jean recites a device and mobile terminal that include a power amplifier PA and a stabilizer STB. (*Abstract*). The power amplifier PA receives a radio frequency input signal I_{RF} and outputs an amplified radio frequency output signal O_{RF} . (*Col. 2, Lines 60-65*). The stabilizer STB regulates, controls, and stabilizes the output power of the power amplifier PA as a function of a DC voltage having a variable value V_{CON} . (*Col. 2, Lines 53-59*). The stabilizer STB includes a first amplifier A1, a second amplifier A2, a transistor T, and a resistor r. (*Figure 1*). The inputs to first amplifier A1 represent the voltage V_{CON} and a voltage produced on an output of the second amplifier A2. (*Col. 3, Lines 12-16*). The gate of the transistor T receives an output voltage from the first amplifier A1. (*Col. 3, Lines 25-26*). The transistor T has a drain coupled to a supply voltage V_{BAT} and a source coupled to an input of the second amplifier A2. (*Col. 3, Lines 26-29*). The resistor r is coupled across the inputs of the second amplifier A2. (*Col. 3, Lines 33-38*).

The Office Action relies on the second amplifier A2 of *Jean* as anticipating the "secondary RF device" recited in Claims 1, 8, and 15. The Office Action also relies on the output of the first amplifier A1 of *Jean* as anticipating the "feedback signal" recited in Claims 1, 8, and 15. (*Office Action, Page 2, Last paragraph*).

First, the Office Action does not establish that the second amplifier A2 of *Jean* anticipates a "radio frequency" device. *Jean* specifically recites that the power amplifier PA receives a radio frequency input signal and outputs a radio frequency output signal. The Office Action identifies no part of *Jean* indicating that the second amplifier A2 amplifies or otherwise

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processes radio frequency signals. Rather, the second amplifier A2 of *Jean* receives as input two voltages on either side of the resistor r , where the voltages are formed by a supply voltage V_{DAT} (which is not a radio frequency signal). As a result, the Office Action fails to establish that *Jean* anticipates a secondary "radio frequency" device as recited in Claims 1, 8, and 15.

Second, the Office Action does not establish that the output of the first amplifier A1 of *Jean* anticipates a "feedback signal" that is provided to a "secondary RF device" and a "primary RF device." *Jean* specifically recites that the output of the first amplifier A1 is applied to the gate of the transistor T. However, the signal provided to the gate of a transistor simply controls whether (and to what extent) the transistor is conductive between its source and drain. The signal provided to the gate of a transistor is not transferred to the source or drain of the transistor. Because of this, the Office Action has not established that the signal provided to the gate of transistor T from the first amplifier A1 is provided to the second amplifier A2 or to the power amplifier PA. As a result, the Office Action fails to establish that *Jean* anticipates a "feedback signal" provided to both a "secondary RF device" and a "primary RF device" as recited in Claims 1, 8, and 15.

For these reasons, the Office Action does not establish that *Jean* anticipates the Applicant's invention as recited in Claims 1, 8, and 15 (and their dependent claims). Accordingly, the Applicant respectfully requests withdrawal of the § 102 rejection and full allowance of Claims 1-3, 6, 8-10, 13, and 15-18.

III. REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects Claims 4, 11, and 20 under 35 U.S.C. § 103(a) as being

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unpatentable over *Jean* in view of U.S. Patent No. 6,434,187 to Beard et al. ("*Beard*"). This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. (MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992)). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. (MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984)). Only when a *prima facie* case of obviousness is established does the burden shift to the Applicant to produce evidence of nonobviousness. (MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993)). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the Applicant is entitled to grant of a patent. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985)).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. (*In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993)). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references

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when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on the Applicant's disclosure. (*MPEP* § 2142).

Claims 4, 11, and 20 depend from Claims 1, 8, and 15, respectively. As shown above in Section II, Claims 1, 8, and 15 are patentable. As a result, Claims 4, 11, and 20 are patentable due to their dependence from allowable base claims.

Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection and full allowance of Claims 4, 11, and 20.

IV. CONCLUSION

The Applicant respectfully asserts that all pending claims in this application are in condition for allowance and respectfully requests full allowance of the claims.

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SUMMARY


If any issues arise, or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at wmunck@davismunck.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

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William A. Munck
Registration No. 39,308

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: wmunck@davismunck.com